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**IN THE
COURT OF APPEALS OF INDIANA**

M.O.,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A04-0604-JV-186
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Geoffrey Gaither, Magistrate
Cause No. 49D09-0512-JD-5278
49D09-0506-JD-2785

October 17, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

ROBB, Judge

Case Summary and Issue

M.O., a minor, appeals from a consolidated proceeding in which he was adjudicated a juvenile delinquent and found to have violated probation based on the juvenile court's finding that M.O. committed an act that if committed by an adult would be the criminal offense of battery resulting in bodily injury, a Class A misdemeanor. M.O. raises the single issue of whether sufficient evidence exists for the juvenile court to have found beyond a reasonable doubt that M.O. committed the offense. We affirm, holding that sufficient evidence exists.

Facts and Procedural History

The facts most favorable to the decision below indicate that on December 8, 2005, M.O. got on a school bus, and called K.K. a "bitch" as he passed by her seat. Transcript at 12. K.K. got up and went to the back of the bus, where M.O. was seated and asked him not to call her names. M.O. then called K.K. a "black bitch" and a "nigger." *Id.* After a verbal argument, the confrontation turned physical, and M.O. struck K.K. in the face. After others on the bus broke up the altercation, K.K.'s nose was bleeding. M.O. was on probation at the time of this incident.

At M.O.'s hearing, the juvenile court entered a true finding on the delinquency allegation and the violation of probation allegation, continued M.O.'s probation, and ordered that he complete anger control classes. M.O. now appeals.

Discussion and Decision

When reviewing a claim of insufficient evidence, we will not reweigh evidence or

judge witnesses' credibility. Grim v. State, 797 N.E.2d 825, 830 (Ind. Ct. App. 2003). We will consider only the evidence favorable to the judgment and the reasonable inferences drawn therefrom. Id. We will affirm a conviction if the lower court's finding is supported by substantial evidence of probative value. Id.

"A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a class B misdemeanor." Ind. Code § 35-42-2-1. If the battery "results in bodily injury to another person," the act constitutes a Class A misdemeanor. Id.

M.O. argues that sufficient evidence does not exist to support a finding that M.O. did not hit K.K. out of self-defense. We disagree. K.K. testified that M.O. hit her before she hit or pushed M.O. Although other witnesses testified that they were unsure if M.O. struck K.K. first, and a police officer testified that K.K. told him that she had slapped M.O. before he hit her, we will not reweigh the evidence or judge the credibility of these witnesses. K.K.'s testimony was sufficient to support the juvenile court's finding.

M.O. next argues that sufficient evidence does not exist to support a finding that M.O. caused K.K. bodily injury. We disagree. K.K. and the bus driver testified that M.O. hit K.K. in the face and that her nose was bleeding. A reasonable inference from this evidence is that M.O. caused K.K.'s nose to bleed, and the evidence therefore supports the finding that M.O. caused K.K. bodily injury.

Conclusion

The evidence supports the juvenile court's finding that M.O. committed the act that

would be considered battery causing bodily injury if committed by an adult.

Affirmed.

SULLIVAN, J., and BARNES, J., concur.